Indian Army threatened this RTI Investigator and its father for exposing C.O. E.C.H.S.'s Director Medical Col A.C. Nishil. See below.

parent PC. The bills under emergency clause will be raised with specified documents as under:-

(i) Copy of ECHS Card.

(ii) Emergency room case sheet/ discharge summary indicating time of reporting / discharge.

(iii) Copy of ER.

(iv) The applicable charges will be as under :-

(aa) Consultation Charges (max two) as per CGHS rates. Second consultation is allowed if a specialist attends in addition to MO.

(ab) Emergency investigation charges.

(ac) Medicines & consumables used for stabilisation including POP charges etc.

(ad) No room rent will be paid.

==>>> (f) **Those misutilising the provision be it ECHS beneficiaries/empanelled hospitals will be strongly penalised.**

(g) Emergency Treatment in Non Empanelled Hosp and Reimbursement. All beneficiaries are allowed to get themselves treated in any hospital in case of emergency, though empanelled hospitals will submit their bills online, patients who have treated themselves in non empanelled hosp to process their reimbursement bills through parent PC. Mandatory documents are as under :-

(i) Copy of ECHS Card.

(ii) Emergency certificate issued by the hosp.

(iii) Discharge summary (must include admission date & discharge date correctly with details of disease & treatment provided).

(iv) Emergency room case sheet.

(v) Copy of EIR.

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(vi) Bill in detail with summary.

(vii) All images, pouches, barcode, invoices etc.

17. Treatment for Eye Related Issues.

(a) No of eye hospitals have voluntarily opted for free consultation for eye related issues.

(b) List of these eye hosps will be available on ECHS website as well as at affected PCs.

RIGHT TO INFORMATION

REGISTERED SDS/POST

RTI Cell, Addl DG AE
आर टी आई सेल ए डी जी ए ई
[redacted]
IHQ of MoD (Army)
एकीकृत रक्षा मंत्रालय (सेना)
New Delhi - [redacted]
नई दिल्ली- [redacted]

A/810027/RTI/OL_80709

27 Jul 2023

Shri Anirban Chakraborty
2 No Motilal Colony,
PO - Rajbari Colony,
Kolkata,
West Bengal - 700081,
Mob No [redacted]

RIGHT TO INFORMATION ACT 2005
MEDICAL CLAIM

1. Please refer this office letter No A/810027/RTI/OL_80709 dated 07 Jul 2023.

2. **Information on Para 1 to 6.** An extract to Note of concerned agency of this HQ, vide which information pertaining to your query has been provided, **is enclosed herewith (three pages only).**

3. This disposes your RTI application dated **11 Jun 2023.**

4. The address of First Appellate Authority of this HQ is **Provost Marshal & office of RTI Appellate Authority, AG's Branch, [redacted] Integrated HQ of MoD (Army), [redacted] New Delhi-[redacted]**. For further details, in case of preferring an appeal, please refer Sec 19(1) of the RTI Act 2005.

(Tamojeet Biswas)
Brigadier
ब्रिगेडियर
CPIO, IHQ of MoD (Army)
सी पी आई ओ, एकीकृत सेना मुख्यालय

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Enclosures : As above

ADDG (AE) RTI CELL NEW DELHI-11 IHQ of MoD (Army)

RIGHT TO INFORMATION ACT-2005
IN R/O SHRI ANIRBAN CHAKRABORTY

Query No	Query Raised by Individual	Reply
Please provide the following information under RTI Act, 2005.		
1.	Please provide certified copy of the decision of the CO ECHS taken on the Appeal having PGPORTAL docket No DDESW/E/2023/0000058 dt 08 Jan 2023 and reference No CPT/ACESH/COECHS/E7(11C).	In this context, please refer to Central Organisation ECHS Standard Operating Procedure on Treatment Management in ECHS. The same is available on ECHS website www.echs.gov.in . Extract of the same is attached herewith for reference.
2	If in the decision "emergency certificate" is demanded or is cited as the reason for denying waiver and sanction for the referred reimbursement-claim applications; then, please provide certified copies of (a) The documented reason (b) File notings, and (c) Minutes of meeting Based on which the CO ECHS sees no deficiency in service in respect of botht the accused Medical Officers as name in the Appeal PGPORTAL DDESW/E/2023/0000058	

सूचना का अधिकार
जवाब
RIGHT TO INFORMATION
RESPONSE

CENTRE * ECHS * AGC's Branch

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3	If deficiency in service on the part of the ECHS is admitted; then, provide certified copies of the records of action taken to prevent such deficiency in service from happening again in future.	Not Applicable
4	Kindly state the full name and rank of the Director Medical who in respect of PGPORTAL docket No DDESW/E/2023/0000058 signed the letter dated 22 May 2023	Name of Director Medical is Col AC Nishil.
5	Kindly state the Name and rank of the new Director Medical CO ECHS, who replaced the incompetent and irresponsible Director Medical as referred in the query S No 4 above	In view of the derogatory term used. No comments offered.
6	Also, state the date of such replacement or appointment.	

सूचना का अधिकार
जबाब
RIGHT TO INFORMATION
RESPONSE

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parent PC. The bills under emergency clause will be raised with specified documents as under:-

(i) Copy of ECHS Card.

(ii) Emergency room case sheet/ discharge summary indicating time of reporting / discharge.

(iii) Copy of ER.

(iv) The applicable charges will be as under :-

(aa) Consultation Charges (max two) as per CGHS rates. Second consultation is allowed if a specialist attends in addition to MO.

(ab) Emergency investigation charges.

(ac) Medicines & consumables used for stabilisation including POP charges etc.

(ad) No room rent will be paid.

(f) **Those misutilising the provision be it ECHS beneficiaries/empanelled hospitals will be strongly penalised.**

(g) Emergency Treatment in Non Empanelled Hosp and Reimbursement. All beneficiaries are allowed to get themselves treated in any hospital in case of emergency, though empanelled hospitals will submit their bills online, patients who have treated themselves in non empanelled hosp to process their reimbursement bills through parent PC. Mandatory documents are as under :-

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(ii) Emergency certificate issued by the hosp.

(iii) Discharge summary (must include admission date & discharge date correctly with details of disease & treatment provided).

(iv) Emergency room case sheet.

(v) Copy of EIR.

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(vi) Bill in detail with summary.

(vii) All images, pouches, barcode, invoices etc.

17. Treatment for Eye Related Issues.

(a) No of eye hospitals have voluntarily opted for **free consultation** for eye related issues.

(b) List of these eye hosps will be available on ECHS website as well as at affected PCs.

सूचना का अधिकार

RTI MATTER URGENT

पंजीकृत वाया पोस्ट
REGISTERED VIA POST

23

RD808894054IN

ADG MT (AE)
IHQ of MoD (Army)
NEW DELHI

If undelivered please return to:
RTI Cell, ADG MT (AE),
IHQ of MoD (Army)
New Delhi-

Case No. OL-80709 **Date** 31.07

Received on 09 Aug 2023.

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RL 110001 01.08.2023 3054 303761

RTI Matter
MOST URGENT

Ministry of Defence
[Deptt. of Ex-Servicemen Welfare]
D(WE/Res-I)

Subject: Seeking information under RTI Act, 2005.

Reference RTI request No. DEXSW/R/E/23/00678 dt 11th June 2023 by Shri Anirban Chakraborty and received in this division on 26th June 2023 (copy enclosed) at RTI Portal.

2. The RTI applicant's queries have been perused. However, the ibid RTI application dt 11th June 2023 is transferred to the RTI Cell, Addl. DG AE, under Section 6(3) of the RTI Act for providing the information directly to the applicant as the information sought by the applicant is available with them. Addl.DG AE, RTI Cell, is requested to examine the content of ibid RTI application dt 11th June 2023 and provide information, if any, to the applicant. It may also be examined as to whether the queries are "information", as defined under Sec 2 (f) of RTI Act, 2005 and if sharing of such information is not barred under section 8 (1) (j) of RTI Act, 2005. Accordingly, RTI application shall be disposed off by giving him a suitable reply under intimation to this office.

3. The Appellate Authority in r/o the undersigned functioning as CPIO in Department of ESW, MoD is **"Dr. P. P. Sharma**, OSD, [redacted], New Delhi-[redacted]".

4. An urgent action is solicited.

Encl: As above

(N K Panda)
Dy. Director, D(WE)
Tele/Fax: [redacted]
Nanda Kishore Panda
Deputy Director (WE)

RTI Cell, Addl.DG AE, [redacted]

DoESW ID No: 24(03)/2023/WE/D(Res-I) dated: 29.06.2023

Copy to:-

1. MD, ECHS } For information and necessary action, as deemed fit

2. Shri Anirban Chakraborty
2 No. Motilal Colony
PO- Rajbari Colony
Kolkata, West Bengal-700081

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(1)

G20 भारत 2023 INDIA
वसुधैव कुटुम्बकम्
ONE EARTH • ONE FAMILY • ONE FUTURE

भारत सरकार सेवार्थ
ON INDIA GOVERNMENT SERVICE

स्वच्छ भारत
एक कदम स्वच्छता की ओर

24(03)/2023/WE/D(Res-I)

EMS SPEED POST
ED430452915IN

To,

Sh Anirban chakraborty
2 No, Motilal colony
Po - Raibari colony
Kolkata - West Bengal - 700081

Office of ESW

रक्षा मंत्रालय
Ministry of Defence
नई दिल्ली
New Delhi

Despatcher:
Date: 28/6/23
MoD/ESW/WE

Received on 9/7/23.
Received online before.

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Online RTI Status Form

Note:Fields marked with * are Mandatory.

Enter Registration Number	DEXSW/R/E/23/00678
Name	Anirban Chakraborty
Received Date	11/06/2023
Public Authority	Department of Ex-Servicemen Welfare
Status	REQUEST DISPOSED OF
Date of action	27/06/2023
Reply :- The RTI request No. DEXSW/R/E/23/00678 dated 11th June 2023 and received in this division on 26th June 2023 has been transferred to RTI Cell, Addl. DG AE under section 6(3) of the RTI Act for providing information directly to the applicant.	
View Document	
CPIO Details :-	NK Panda ECHS Phone: XXXXXXX XXXXXXXX
First Appellate Authority Details :-	Dr[dot] P[dot]P[dot] Sharma OSD Phone: XXXXXXXXX XXXXXXXX
Nodal Officer Details :-	
Telephone Number	XXXXXXX
Email Id	XXXXXXXX

Print RTI Application Print Status Go Back

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Anirban Chakraborty

S/o Nk Gopal Chakraborty (Retd.)
2 No. Motilal Colony, P.O.: Rajbari Colony,
Calcutta 700081, (N) 24 Pgs. , West Bengal,

Online.

Application u/s 6(1) of the Right to Information Act, 2005.

Ref. $\frac{RTI/ACFSH/DESW/90E(6)}{№}$

To,
The Central Public Information Officer
Central Organisation
Ex-servicemen Contributory Health Scheme
Department of Ex-servicemen Welfare
New Delhi

RTI Fees of Rs. 10/- paid to RTIONLINE.GOV.IN through net banking.

Dated Calcutta the 11th June 2023.

Subject:

In respect of reimbursement claim of my father raised due to deficiency in service of the Ex-Servicemen Contributory Health Scheme and rejected by the Regional Centre Kolkata for the want of Emergency Certificate, a requisition for providing certified copy of the decision of the Appellate Authority and Director Medical C.O. E.C.H.S., in reference to the Appeal having PGPORTAL Docket No. DDESW/E/2023/0000058, not in respect of a stranger namely Deepak Kumar but in respect of my father, Nk Gopal Chakraborty (Retired).

References in chronological order:

1) Reimbursement-claim application for waiver and sanction dated 16th May 2022 having ref. no. APP/GCFFR/ECHSPSL/97 submitted to the Officer-in-Charge Polyclinic Salt Lake.
2) Forwarding letter of the E.C.H.S. Polyclinic Salt lake no. PC127/ECHS/Ex NK Gopal/Re imb/22 dated 30th May 2022.
3) RC Kolkata's rejection letter no. 202771/Waiver/Med dated 11th June 2022.
4) Col SK Gupta, Offg. Dir. (Med) C.O. E.C.H.S.'s transfer letter no. B/49770/AG/ECHS/CPGRAMS/2022 dated 30th Dec 2022, in respect to appeal filed in PGPORTAL having Docket No. DDESW/E/2022/02600.
5) Col Pallabhi Konar, Joint Director (Hospital Supply), RC Kolkata's absurd reply letter being no. 202771/Re-imb/Med dated 31st Dec 2022.
6) Appeal filed, PGPORTAL docket no. DDESW/E/2023/0000058 dated 8th Jan 2023 and ref. no. CPT/ACFSH/COECHS/E7(11C).
7) Director, Col P.R. Mohanty, RC Kolkata's transfer letter no. 202771/CPGRAMS/Med dated 15th May 2023.
8) Impugned reply dated 22nd May 2023 of the Director Medical C.O. E.C.H.S. for the appeal DDESW/E/2023/0000058.

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Respected Official,

Authority: The applicant is in the capacity of being the patient-party, offspring, and authorised representative of the E.C.H.S. beneficiary:

Nk Gopal Chakraborty (Retired) (Father[1])
XXXXXXXXX
ECHS Card No.: XXXXXXXXX[2]
ECHS Polyclinic: Salt Lake,
ECHS Regional Center: Kolkata, West Bengal.

Perspective:

Let the Government be aware of protest against the policies of Government that does good to few voters of the country. Let the Government be aware of the complaints against delinquent, irresponsible, or malicious administrators who are not content with anything. Such administrators have ruined India; still they are not satisfied. They seem to think that Providence has made the people of India for them as frogs for shakes, deer for lions, and grass for cattle. There is no limit to their own covetousness, selfishness, and perverse sentiments; far from being moved with compassion for the distresses of people of India, they are ever busy in wishing the destruction of the

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[1] Copy of PAN Card is enclosed for proof of relationship and citizenship.
[2] Copy of the E.C.H.S. Card is enclosed.

little that is left with the people being governed. Cruel oppressions exercised by and the predatory excursions of Britishers could not injure India so much as is being done by our own people – we achieved independence from Britishers, but still we are slave of our own people in power. One looks with blank dismay on the India. Even a cyclone, a flood, an earthquake, or a similar natural calamity could not have brought on such a sad state as the country is in. Where the matter relates to the health care schemes of the Government, the loss may be compensated; on the other hand, deaths ensue in consequence, the loss can never be made up. History repeats in chunks, and the dark history of the India still haunts us in the modern days:

> *The Saptahik Samachar of the 21st March, in an article of the oppressions on Railway passengers, makes the following observations: However respectable a man may be, he is insulted as soon as he is in a Railway carriage. The officers of the Railway Company insult the native passengers to the best of their ability. The evil was at its height when the Police was under the Railway authorities, and to check it the Government Railway Police was created. The evil, however, has not ceased; for the present Railway Police also never act against the wishes of the Station Master. True, the authorities at home and Mr. Batchelor also have declared, that any servant of the Company would be dismissed and punished if found maltreating the passengers, but the threat is never carried out in practice; nay, the officers are in a manner encouraged in their rude behaviour. If a passenger chances to inform the authorities of any insult received, the sahibs unabashed tell him to go to law, alleging at the same time that the officers complained against had acted according to the rules of the Company. So that the insulted passengers are obliged to be quiet, for it is not an easy matter to go to law.*[3]

Every RTI Application, therefore, made out of public interest has a bona fide story to tell, to provide a perspective, a background, and the reasons, which quite often is absent in a RTI Application made out of personal interest. Without pride and prejudice, the RTI Act, 2005, gives a fighting chance to the humble, mediocre, and poor, which is enshrined in the Preamble of the Right to Information Act, 2005:

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[3] The Calcutta Gazette, 2nd January-31st March 1958, page no. 31.

An Act to provide for setting out the practical regime of right to information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority...

And whereas democracy requires an informed citizenry and transparency of information which are vital to is functioning and also to contain corruption and to hold Governments and their instrumentalities accountable to the governed.

Perspective (background and reason) is the force that obliges public authorities to comply with the law faithfully; without perspective, the RTI Application is a soul drained out of blood and is impotent. Perspective is the spirit of the RTI Application and that writing sees no word limit while adhering to brevity:

3. Application Fee – An application under sub-section (1) of Section 6 of the Act ... shall ordinarily not contain more than five hundred words ... Provided that no application shall be rejected only on the ground that it contains more than five hundred words.[4]

With the advent of the website RTIOnline, which publishes RTI Applications and Replies, and that every Public Authority suo moto publishes gist of RTI Applications and Replies, the Government thrives to provide to the citizens much needed exposure to greater transparency and accountability in the functioning of the Government. For the welfare of the citizens, RTI is a mighty instrument for constructive and open criticism of the Government and its administrators:

6. Criticism of Board/Government :- No employee shall, in any radio or television broadcast or in any document published anonymously or in his own name or in the name of any other person or in any communication to the press or in any other public utterance, make any statement of fact or opinion –

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[4] Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) Notification dated 31st July 2012 being no. G.S.R.603(E). [F.No. 1/35/2009-IR].

(i) Which has the effect of an adverse criticism of any current or a recent policy or action of the Central Government, State Government, the Board or any other Major Port Trust: ***provided that*** *in the case of any employee specified in the first proviso to sub-regulation (3) of regulation 1,* ***nothing contained in this regulation shall apply to bona fide expression of views by him as an office bearer of a trade union of such employees for the purpose of safeguarding the service conditions of such employees or for securing any improvement therein***[5]

Let the people of India be aware, be informed; such exposure is more important because every person is equal before law[6], an accused Government personnel must undergo the same suffering as an accused citizen does:

SOP FOR DISCIPLINARY ACTION AGAINST ECHS MEMBERS

8. Publicity. In case where decision of termination of membership is taken the names of such ESM shall be highlighted on the web and wide publicity given through concerned Regional Centre.[7]

The functioning of the Government and so the duty of the administrators are matters of public interest; it is more so because delinquency, negligence, partiality, and corruption not only hits the interest of the public hard but also bedevil even the most loyal employee like opium does.

Before plunging into the matters that provoked me to confront the Government with facts, which would come about with the information sought in this RTI Application, it is imperative to state the

BACKGROUND

Against deficiency in service of the E.C.H.S. that lead my father to self-harm (detailed later), one signed application[8] for waiver and reimbursement of the cost of medical treatment

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[5] The Calcutta Port Trust Employees (Conduct) Regulations, 1987.
[6] Under the Article 14 of the Constitution of India.
[7] C.O. E.C.H.S. letter no. B/49717-C/AG/ECHS dt. 27th March 2008.
[8] Being no. APP/GCFFR/ECHSPSL/97 dated 16th May 2022.

was submitted at the Polyclinic Salt Lake, which was forwarded[9] to the Regional Centre Kolkata by the Polyclinic. The Regional Centre Kolkata rejected[10] the application for the want of "emergency certificate", without giving a thought to the deficiency in service and without taking steps to prevent it from happening again. In respect of my appeal preferred against the Regional Centre Kolkata's rejection letter, the Central Organisation E.C.H.S. gave reply as quoted below:

CPGRAMS NO DDESW/E/2022/02600

1. Please refer to your DDESW/E/2022/02600 dated 09 Oct 2022.
2. It is intimated that subject case transferred to Regional Centre, ECHS Kolkata for necessary action on the subject matter vide CO ECHS mail dated 29 Dec 2022 (copy attached).
...

(SK Gupta)
Col
Offg Dir (Med)
for MD ECHS[11]

The C.O. E.C.H.S.'s reply was so ambiguous and vague that RC Kolkata did not know what to do. Consequently, causing anguish, the RC Kolkata replied[12] stating details of a few old reimbursement claims having no issues.

CAUSE OF ACTION

Against the ambiguous and vague reply of the C.O. E.C.H.S., therefore, on 7th Jan 2023, for the second time the Appeal[13] was filed afresh with Appellate Authority and the Director Medical C.O. E.C.H.S. at PGPORTAL with the docket no. **DDESW/E/2023/0000058**. On 22nd May 2023, after so much shuffling the final reply was given by the Director Medical C.O. E.C.H.S., relevant portion of which is quoted below (copy enclosed):

---

[9] Letter no. PC127/ECHS/Ex NK Gopal/Re imb/22 dated 30th May 2022.
[10] Jt. Dir. (HS) RC Kolkata's Letter no. 202771/Waiver/Med dated 11th June 2022.
[11] Col SK Gupta, Offg. Dir. (Med) C.O. E.C.H.S.'s letter no. B/49770/AG/ECHS/CPGRAMS/2022 dated 30th Dec 2022, in respect to PGPORTAL Docket No. DDESW/E/2022/02600.
[12] Col Pallabhi Konar, Joint Director (Hospital Supply), RC Kolkata's letter being no. 202771/Re-imb/Med dated 31st Dec 2022.
[13] Reference no. CPT/ACFSH/COECHS/E7(11C) dated 8th Jan 2023.

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Shri Anirban Chakraborty
2 No. Motilal Colony,
Rajbari Colony
Kolkata-700081,
(West Bengal)

CPGRAMS REGN NUMBER DDESW/E/2023/0000058
IN R/O SHRI DEEPAK KUMAR

...

2. It is intimated that you have already been replied through appropriate channels. Emergency Certificate is mandatory requirement for processing of your claim for payment.

Col
Dir(Med)
For MD ECHS

The Director Medical C.O. E.C.H.S. under its signature wrote the letter to me about rejection of appeal not of my father, Nk Gopal Chakraborty (Retired), but of Deepak Kumar, with whom neither I have relation nor share any conceivable future.

Even after expiry of half a month, not for once it went through the mindless Director Medical C.O. E.C.H.S. that the personnel has messed up the sanctity of its position and the mistake should be corrected at once. As the result, **still today I do not know about the decision taken on the appeal having the docket no. DDESW/E/2023/0000058 in respect of my father.**

It is quite apparent that the Director Medical C.O. E.C.H.S. has read the appeal not for once, leave alone giving heed to it; had the personnel read the appeal, then, the personnel would have surely learnt my father's name. It is crystal clear that the Director Medical C.O. E.C.H.S. has the habit of not going through the appeals and mechanically rejects the same without stating explanative reasons in details. Nobody knows what facts the Director Medical C.O. E.C.H.S. considered and overlooked in stereotypically rejecting appeals.

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It is a prima facie case of gross negligence on the part of the Director Medical C.O. E.C.H.S and on the part of the E.C.H.S. itself. It is further corroborated by the fact that – taking

just one step back in to the past - the C.O. E.C.H.S. negligently transferred the appeal back to the same place, Regional Center Kolkata, which caused escalation of the matter into the appeal. No one can be the judge in its own case, so the Director Regional Centre Kolkata rightly referred back the appeal to the C.O. E.C.H.S. writing the following:

CPGRAMS GRIEVANCE REGISTRATION NO: DDESW/E/2023/0000058

...

2. Intimated that your CPGRAM grievance has been addressed to the Appellate Authority and The Director (Medical), Central Organisation ECHS. Hence the same is not pertaining to this office.

3. In view of the above, you are requested to send your CPGRAMS grievance to the concerned office/ appointment.

(PR Mohanty)
Col
Dir[14]

DEFICIENCY IN SERVICE
ON THE PART OF THE DIRECTOR MEDICAL C.O. E.C.H.S.

It is assumed that the Director Medical C.O. E.C.H.S. committed a bona fide mistake by gross negligence. When bona fide mistake, however, becomes chronic and negligence becomes the second nature of the administrators, so that it freely runs down through hierarchy; then, the lower rung take it as permission to misbehave, to deceive, to manipulate the system, to play ranks, and to deny service, which in toto amounts to deficiency in service. They must be reprimanded for their actions unbecoming to the service in the Indian Military, as the Military fights for them who cannot defend themselves; they must be censored severely and removed from their positions for their actions highly dangerous to the interest of the aged, alone, abandoned, diseased, and retired soldiers and their dependents.

FOR INSTANCE,

on 25th July 2022 the E.C.H.S. Polyclinic Salt Lake issued a whole strip containing seven tablets of a medicine to my father. Later at home I found the strip happened to be previously cut in

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[14] Director, Col P.R. Mohanty, RC Kolkata's letter no. 202771/CPGRAMS/Med dated 15th May 2023.

such a way that exposed one tablet to environmental contamination for a long time; the cut runs a little inside the border line of the periphery of the tablet's pocket. In respect of the complaint[15] filed against issuance of damaged strip, the Director, Col P.R. Mohanty, of the Regional Centre Kolkata replied[16]:

> *(i) All expensive medicines strips are cut by the issuing medical stores during bulk issue to avoid further misuse of same. It is not possible for the polyclinic to check each and every tablet during collection of bulk stores. The OIC polyclinic* ***confirms to have cleared this aspect*** *to the* ***patient/ patient accomplice*** *at the time of issue of medicines in person.*

From the reply of Col P.R. Mohanty it is inferred that, the then Officer-in-Charge, Lt Col Vidyut Mukherjee (Retired), of the Polyclinic Salt Lake blamed my father for knowingly taking to home the defective strip of medicine. Pertinently, my father has NPDR eye condition, and without glasses, my father blindly took medicine from the Polyclinic Salt Lake's dispensary. I, therefore, filed one RTI Application[17] and asked,

> *On* ***what date*** *"The OIC polyclinic* ***confirms*** *to have cleared this aspect to the patient/ patient accomplice at the time of issue of medicines in person"?*

In the RTI reply[18] from Station HQ Bengal Sub Area, the information provided is quoted below:

> *On the day when Mr Anirban Chakraborty, Son of Naik (Retired) Gopal Chakraborty visited ECHS polyclinic Salt Lake for collection of monthly medicine of his father i.e.* ***22 Jun 2022.***

To ascertain veracity of the statements of Col P.R. Mohanty and Lt Col Vidyut Mukherjee (Retired), they must be subject to the following questions:

- On what occasion or for what reason the Officer-in-Charge of the Polyclinic Salt Lake had to do such explanation to

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[15] PGPORTAL docket no. MODEF/E/2022/03821 and complaint reference no. LN/ACFSH/MODND/8A6(12F) dated 27th July 2022.
[16] Letter being no. 202771/CPGRAMS/Med dated 22nd Aug 2022.
[17] DEXSW/R/E/22/00891 dated 11th Sep 2022.
[18] Being no. 103/8/Gen/50/RTI dated 12th Oct 2022.

me?

- Why the same is not mentioned in the reply of Col P.R. Mohanty – the soldier must have had thoroughly enquired the matter of issuance of the defective medicine.
- As stated in the reply "The OIC polyclinic confirms to have cleared this aspect to the **patient/ patient accomplice**", why there is so much ambiguity in respect of to whom the Officer-in-Charge had "cleared this aspect"?

No sane person would ever knowingly accept damaged medicine. There was no occasion or reason for why the Officer-in-Charge had to do such explanation to me. **To desperately support one lie, another false statement has been made, in the RTI Reply:** that the Officer-in-Charge "confirms" to have had explained the policy of cutting expensive medicine strips on 22nd June 2022 – almost one month before the date, 25th July 2022, on which the damaged medicine was issued directly to my father! **The effect precedes the cause!**

It is therefore

PROVED

that such bona fide mistake in the highest part of the Government not only encourages executives like Lt Col Vidyut Mukherjee (Retired) and administrators like Col P.R. Mohanty to harbor the habit to act dishonestly, incompetently, maliciously, negligently, and with partiality, but also ruin the welfare scheme of the Government and cause deficiency in service.

One such

DEFICIENCY IN SERVICE AGAINST WHICH
THE SUBJECT REIMBURSEMENT CLAIM HAS BEEN PREFERRED (1),

in vain, circumstances and events of which are detailed below:

My father has a chronic lung condition[19], which doctors at the Command Hospital (EC) and one State Govt. Hospital failed to diagnose and treat; thus, my father was referred to an empanelled hospital. Fortunately, it worked and my father responded to the treatment, but the fact is the pulmonologist is non-empanelled; since then my father is, therefore, under paid treatment of the pulmonologist (until recently the E.C.H.S. has granted sanction for lifetime in this regard), and from time to time the CH(EC) has provided medical tests as advised by the pulmonologist.

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[19] All details and supporting documents are given in the appeal, but concealed herein because records of patients are confidential.

During the pandemic, Corona, on behalf of my father I went to the Medical Officer 'A'[20] of the Salt Lake Polyclinic and requested to prescribe for my father the test Chest X-Ray as advised by the pulmonologist. My request was straightforward rejected and the Medical Officer 'A' referred my father to the Chest OPD of the CH(EC) on 23rd March 2021. Where the Polyclinic's Medical Officer 'A' having more than five years[21] of experience with the protocols of the E.C.H.S. did not use its discretionary power to prescribe a simple Chest X-Ray, there was very likelihood that CH(EC) would add more to misery. We had an appointment with the pulmonologist after one week, so my father had no time left to gamble and to give time to the Chest Specialist of CH(EC) to decide whether in its opinion my father needs a Chest X-Ray or painkiller first. On the next day, i.e. 24th March 2021, therefore, my father got the Chest X-Ray done on payment from a non-empanelled hospital. The report indicated a new complication of the lung disease, and worse that the Medical Officer 'A', a general physician, did not give heed to the advice of the pulmonologist. **Any reasonable doctor and even a general physician in locality would have prescribed Chest X-Ray given the lung condition of my father. The Medical Officer 'A', therefore, failed to merit the confidence of my father entrusted to its care, and failed to render to my father a full measure of service and devotion, and so is the deficiency in service. The sentiments of my father was, therefore, badly hurt.**

Another such

DEFICIENCY IN SERVICE AGAINST WHICH
THE SUBJECT REIMBURSEMENT CLAIM HAS BEEN PREFERRED (2),

in vain, circumstances and events of which are detailed below:

In email dated 11th Apr 2022, I wrote to the then Managing Director:

> *Brief:*
> *My father, aged 59 years and an ECHS beneficiary, injured itself while doing some household work on 6th April 2022; the joint of the thumb of my father's left hand is being affected, on which my father applied Volini and hot compression. I suggested cold compression with an ice bag, on 7th April, as the pain in the joint has been still there. After that on my enquiry, lastly on 8th April, my*

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[20] Name is given in the appeal, but concealed herein to prevent prejudice.
[21] As per the RTI Reply dated 2nd Jan 2023 from HQ Bengal Sub Area.

father said that the pain has subsided.

Cause of action:
But, on 9th April I accidentally found the painkiller ibuprofen on my father, and so I have given an earful to my father for not letting me know about the OTC painkiller - how could the DKD patient take the painkiller where the consultant nephrologist has strongly advised against. *Further I inspected the joint and found much swollen. …*

Consequence:
In the evening of the 9th April, on my persuasion, my father have got an X-ray done from our local medical facility (non-empanelled), report is due in today's morning, after taking an OPD appointment with local orthopaedic surgeon in today's morning.

In the morning of 11th Apr 2022, with the report of X-Ray my father preferred to visit on payment the local orthopaedic surgeon (OPD Clinic), more than visiting 1+1 hours away Salt Lake Polyclinic or 2+2 hours away Command Hospital (EC) by bus, with the unbearably painful, swollen, and unable thumb – the indispensable digit to hold things and secure own self to bus's handle. After seeing the X-Ray, the local orthopaedic surgeon diagnosed the thumb with osteoarthritis and prescribed painkiller.

The local orthopaedic surgeon did not treat well like once one Ex-Medical Officer of the Polyclinic Salt Lake treated osteoarthritis of my father's knee. In the morning of the next day, i.e. 12th Apr 2022, I, therefore, emailed all report and prescription to one Medical Officer 'B' in Polyclinic Salt Lake, and requested second opinion – **at least to lessen the pain and to enable my father to travel to the Polyclinic**, which is situated in major I.T. hub, in over crowded bus full with Information Technology professionals and State Government officials destined beyond. My request for the second opinion from the Medical Officer 'B' through telemedicine was categorically rejected and the Medical Officer 'B' mandated personal appearance of my father in the Polyclinic.

No patient should wait more than it has to. Seeing my father suffering from disabling pain and in disgust, it was necessary to get the second opinion on payment from another orthopaedic surgeon of a non-empanelled Hospital in our locality in the evening of 12th Apr 2022; the orthopaedic surgeon prescribed some medicines, some medical tests, and physiotherapy. The medicines helped a lot to my father.

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Then I requested the then Managing Director of C.O. E.C.H.S. to cause to refer my father to 15+15 minutes away empanelled Hospital for further treatment under E.C.H.S. Pertinently, I was continuously informing the E.C.H.S. about developments and continuously emailing medical documents to maintain transparency. The fact remains I asked for medical advice from the Medical Officer 'B' of the Polyclinic Salt Lake but all in vain. The then Managing Director of C.O. E.C.H.S. heard[22] my request and eventually the Polyclinic **hostilely** referred my father to the nearest empanelled Hospital, with referral papers for the medical tests as prescribed.

Deficiency in service on the part of the Medical Officer 'B' is due to ruthlessly enforcing policies of the E.C.H.S., which at times are impossible to perform, and is also due to failure to understand that my father has limited resources with miniscule amount of pension; **the cost of ambulance is far greater than the cost of treatment locally availed;** the E.C.H.S. would not reimburse the cost of ambulance for traveling to the Polyclinic Salt Lake, and that would be determinant to the worsening financial condition of my father in view of the pending reimbursement claims; **my father should not be forced to do expenditure beyond means for the performance of the policies of the E.C.H.S., which would prove more deadly than the disease itself.**

Consequently,

THE E.C.H.S BENEFICIARIES SUFFER IN SILENCE
DUE TO OPPRESSION AND SUPPRESSION.

Due to unbecoming, intolerable, and abusive behaviour of the Medical Officer 'B' of the Polyclinic Salt Lake, I preferred to file the petition[23] requesting the Officer-in-Charge of the PC Salt Lake to order the Medical Officer 'B' to maintain decorum of the Polyclinic. As the result of which, for vengeance, on 25th July 2022 the Medical Officer 'B' abruptly did not issued six medicines for chronic diseases of my father that are ordinarily issued every month.

It was criminal negligence and much more, consequence of which my father was forced to visit the Medical Officer 'B' on 29th

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[22] E.C.H.S. Polyclinic Salt Lake letter being no. PC127/ECHS/Ex NK Gopal/Re imb/22 dated 16th Apr 2022.
[23] PGPORTAL Docket No. DDESW/E/2022/01813 dated 10th July 2022.

July 2022 **for the second time** in the same month, and **in the way to the Polyclinic my father have had a bus accident with head injury, bleeding from ear, shoulder injury, and hip injury; followed by emergency ICU Admission on 2nd Aug 2022.** The fact remains one of the medicines that were denied by the Medical Officer 'B' was prescribed by the pulmonologist before and again after the bus accident.

To add insult to injury, the Regional Centre Kolkata hurriedly replied to the aforesaid petition, which is quoted below:

> *2. Your complaint has been examined by this office and the matter has been discussed with Stn Cell ECHS Kolkata and ECHS Polyclinic Salt Lake. Brief outcomes of the case is as under:-*
> ...
> *(b) The balance of the charges in complaint appear delusionary* ***since the polyclinic staff denies occurrence of any such incident****. The charges also do not pertain to the treatment process required by the patient. Hence they do not merit any attention...*
>
> *(c) The complainant appears to not have adequate knowledge on the ECHS treatment process and protocols which are quite explanatory and straight forward. Hence the misunderstanding of complainant appears to have exhibited aggressive allegations.*[24]

In the aforesaid petition, I complained that the Medical Officer 'B' talked to me in filthy language in the privacy of its room. It is not surprising that the accused would initially deny, as denial is part of the usual, at least initial, behavioural pattern of the accused. Without properly investigating the matter and, therefore, in hurry due to the bus accident, the Regional Centre Kolkata not only acquitted the Medical Officer 'B' from all charges but also blamed me for exhibiting "aggressive allegations". The fact that the Director, Col P. R. Mohanty, of Regional Centre Kolkata knows that **"No such data is held as communication by Polyclinic Medical officer/Dental officer with ECHS beneficiaries is mostly verbal inside the doctors chamber"**[25] **INFURIATES ME BEYOND WORDS**. Had investigation

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[24] Lt Col S. K. Ray from the R.C. Kolkata's letter no. 202771/CPGRAMS/Med dated 6th Aug 2022.
[25] RTI Reply from R.C. Kolkata dated 10th Oct 2022.

been done properly, the Medical Officer 'B' would have been surely reprimanded for its aggressive behaviour. Had the Regional Centre Kolkata taken prompt action on the aforesaid petition, the bus accident could had been prevented.

Now, as far as the

RESPONSIBILITY OF
APPELLATE AUTHORITY AND THE DIRECTOR MEDICAL C.O. E.C.H.S.

is concerned. It is well settled in law that an appellate authority will ordinarily not interfere with an order of subordinate except in exceptional cases where, **in the interest of public**, justice requires interference for the correction of a manifest illegality or **the prevention of gross miscarriage of justice**. The appellate authority will not be justified in interfering with the order of subordinate merely because the subordinate has taken a wrong view of the law or has arrived in appreciation of evidence.

Do not the policies of the E.C.H.S. give permission to the beneficiaries to cry victim? The deficiency in service is escalating in many dangerous forms day by day. So unless the Directors do not put their hearts and effort against it, their inaction and negligence will be taken by the two accused Medical Officers and others as approval to manipulate the system and would proceed as far as they could as if they are weaned on Watergate. The Director Medical C.O. E.C.H.S. will, therefore, give waiver and sanction for reimbursement of the claim for which the subject appeal is still pending with the personnel. This is the way, the only way to compensate my father for the sufferings. What more should I expect than that my father never faces financial crises and is never discouraged about getting rightful medical treatment. **Doing so, the Director Medical C.O. E.C.H.S. will, in public interest, not only give a stern message to the two accused Medical Officers and others but also heal my wounded father.**

To the contrary, with

SAD STATE OF AFFAIRS OF THE E.C.H.S.

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Birds of a feather flock together. It is evident that the Director Medical C.O. E.C.H.S. is so contagious, insincere, and untrustworthy that continuance of this particular soldier in

this position in the E.C.H.S. is harmful to the interest of the E.C.H.S. beneficiaries; so, this particular soldier would surely fail to adjudicate the allegation of deficiency in service leveled against the two Medical Officers of the Polyclinic Salt Lake.

Information sought in this RTI Application:

1) Please provide certified copy of the decision of the C.O. E.C.H.S. taken on the Appeal having PGPORTAL docket no. DDESW/E/2023/0000058 dated 8th Jan 2023 and reference no. CPT/ACFSH/COECHS/E7(11C).

   Note: Ensure that it is not in respect of a stranger but in respect of my father, Nk Gopal Chakraborty (Retired).

2) If in the decision "**emergency certificate**" is demanded or is cited as the reason for denying waiver and sanction for the referred reimbursement-claim application; then, please provide certified copies of

   a. the documented reason,
   b. file notings, and
   c. minutes of meeting

   based on which the C.O E.C.H.S. sees no deficiency in service in respect of both the accused Medical Officers as named in the Appeal PGPORTAL DDESW/E/2023/0000058.

3) If deficiency in service on the part of the E.C.H.S. is admitted; then, please provide certified copies of the records of action taken to prevent such deficiency in service from happening again in future.

4) Kindly state the full name and rank of the Director Medical who in respect of PGPORTAL docket no. DDESW/E/2023/0000058 signed the letter dated 22nd May 2023 (copy is enclosed for reference).

5) Kindly state the Name and rank of the new Director Medical C.O. E.C.H.S., who replaced the incompetent and irresponsible Director Medical as referred in the query S. No. four above.

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6) Also, state the date of such replacement or appointment.

Thanks.

Hopefully, &c.,

Place: Dum Dum, Calcutta.

Enclosures:
(Scanned/digital copies)
As stated.

(Signed)
ANIRBAN CHAKRABORTY
Patient-party and authorised representative.

Copy forwarded for information by email to:

i. The Officer-in-Charge E.C.H.S. Parent Polyclinic Salt Lake, Calcutta West Bengal;

ii. The Director Regional Centre Kolkata, E.C.H.S., Fort William Calcutta West Bengal;

iii. The Managing Director C.O. E.C.H.S., New Delhi;

iv. The Director Medical C.O. E.C.H.S., New Delhi;

v. The Director Complaints and Litigations C.O. E.C.H.S., New Delhi;

vi. The Director Vigilance C.O. E.C.H.S., New Delhi;

vii. The Comptroller & Auditor General of India, New Delhi (cagoffice@cag.gov.in);

viii. The Registrar General, Delhi High Court;

ix. The Officer-in-Charge E.C.H.S. Polyclinic Kolkata, as per information received Lt Col Vidyut Mukherjee (Retd.) has shifted to there.

AFFIDAVIT

I Anirban Chakraborty S/o Nk Gopal Chakraborty (Retired) aged about 35 years being an Indian citizen and in the capacity of being the offspring and the patient-party; do hereby solemnly affirm that the statements made in this application are true to my knowledge and information received and the rest are my humble submissions.

ANIRBAN CHAKRABORTY

Cannot sign in ink because it will exceed the permitted document size of 1MB.

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Statutory Notice

Details contained herein like contact information, enclosures and IDs are personal, and details contained herein like contents of this document as to business of the applicant with the Public Authority(s) is private, which is solely intended for the addressee(s) herein mentioned; it has no relation to any Third Party. Indexing by search engines and publication in websites of such details would attract contempt of Court, vide W.P. 33290(W) of 2013, Calcutta High Court. Such publication is in contravention to the Office Memorandum of Department of Personnel and Training being no. 1/31/2013-IR dated 8th Jan 2014, too. To prevent theft of personal details and misuse of private details herein contained, Third Party, if obtains a copy of this document anyhow, is required to delete the copy immediately.

EoD

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Name Of Complainant	Anirban Chakraborty
Date of Receipt	07/01/2023
Received By Ministry/Department	Ex Servicemen Welfare

Grievance Description

Ex Servicemen Welfare >> Scheme Related >> ECHS Related >> Reimbursement of Medical Claim >> Misc Issues

Service No. of ESM : XXXXXX
Armed Forces where ESM served : Army
Rank Last Held : Nk
ECHS Membership No. : XXXXXXXX
Registered Mobile No. : XXXXXXXX
Parent Polyclinic : Salt Lake

Respected Official,
Kindly go through the attached appeal. Thanks.

With regards,
Anirban Chakraborty

Current Status	Case closed
Date of Action	22/05/2023
Remarks	

PFA

Officer Concerns To

Officer Name	COL SK GUPTA (Jt Director Medical)
Organisation name	Medical Treatment Section
Contact Address	Central Organisation, ECHS XXXXXXXXXXXXXXXXXXXXXXXXXXXXX
Email Address	jdmed@echs.gov.in
Contact Number	XXXXXXXX

Print Close

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Tele :
Email : dircomplaints-mod@nic.in

Central Organisation ECHS
Adjutant General's Branch
Integrated HQ of MoD (Army)
Delhi Cantt-

22 May 2023

Shri Anirban Chakraborty
2 No. Motilal Colony,
Rajbari Colony
Kolkata-700081,
(West Bengal)

CPGRAMS REGN NUMBER DDESW/E/2023/0000058
IN R/O SHRI DEEPAK KUMAR

1. Ref your CPGRAMS Regn No DDESW/E/2023/0000058 dt 07/01/2023.

2. It is intimated that you have already been replied through appropriate channels. Emergency Certificate is mandatory requirement for processing of your claim for payment.

3. This is for your information please.

Col
Dir (Med)
For MD ECHS

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